

November 21, 2018

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

MARY ANN TRZASKA
4408 Pallister Drive
Cleveland, Ohio 44105

and

JAMES TRZASKA
4408 Pallister Drive
Cleveland, Ohio 44105

Plaintiffs,

vs

DOLLAR GENERAL CORPORATION
100 Mission Ridge
Goodlettsville, Tennessee 37070

and

DOLLAR GENERAL
7120 Brecksville Road
Independence, Ohio 44131

and

PEPSI BEVERAGES COMPANY
4561 Industrial Parkway
Cleveland, Ohio 44135

Defendants,

CASE NO.

JUDGE

COMPLAINT
(Jury Demand Endorsed Herein)

EXHIBIT

A

Plaintiff, Mary Ann Trzaska, ("Plaintiff"), hereby files her Complaint against Defendants Dollar General Corporation, Dollar General and Pepsi Beverage Company as follows:

FACTS

1. Plaintiff, **Mary Ann Trzaska**, is a natural person, who at all relevant times herein resided, and still resides, in the City of Cleveland, County of Cuyahoga, and State of Ohio.

2. Plaintiff, **James Trzaska**, is a natural person, who at all relevant times herein resided, and still resides, in the City of Cleveland, County of Cuyahoga, and State of Ohio.

3. Defendant, **Dollar General Corporation**, upon information and belief, is a foreign corporation doing business in Cuyahoga County in the State of Ohio, under a foreign business charter.

4. Defendant, **Dollar General**, is an unincorporated entity doing business in the City of Independence, County of Cuyahoga, and State of Ohio, at 7120 Brecksville Road, and at all relevant times herein was the owner, operator of the business entity known as "Dollar General" at the aforementioned location on Brecksville Road.

5. Defendant, **Pepsi Beverage Company**, upon information and belief, is a corporation in good standing in the State of Ohio doing business in Cuyahoga County and throughout the State of Ohio.

6. On or about **November 22, 2016**, defendants **Dollar General Corporation** and **Dollar General** were the owners of, the operators of and or had possession of the premises known as **Dollar General** at the address listed above.

7. On or about **November 22, 2016**, the Plaintiff, **Mary Ann Trzaska** was a lawful business invitee in the Dollar General on 7120 Brecksville Road, Independence, Ohio, 44131.

8. While the Plaintiff, Mary Ann Trzaska, was lawfully upon said premises on the above date, she was caused to fall and suffer severe and debilitating injuries as a direct and proximate result of the negligence of the defendants, and or its agents by failing to keep the premises safe for its business invitees.

9. Ms. Trzaska acted reasonably at all times relevant herein.

10. As a direct and proximate result of the negligence of the defendants in failing to provide safe premises for their business invitees the Plaintiff, Mary Ann Trzaska, was caused to fall with terrific force, thereby causing her severe and debilitating injuries.

11. As a further direct and proximate cause of the negligence of the defendants in maintaining the safety of the premises, Ms. Trzaska was caused to suffer severe and permanent injuries, including but not limited to her head, shoulders and neck, and injuries to her body.

12. The above-described injuries sustained by the Plaintiff were caused by the negligence of the Defendants, and without any negligence of the Plaintiff, Mary Ann Trzaska, contributing thereto.

13. Upon information and belief, the Defendants, Dollar General Corporation, Dollar General and Pepsi Beverage Company and its owners, and employees, had both actual and constructive knowledge of the unsafe condition of the premises, for a time prior to Plaintiff's fall, and that the Defendants chose not to correct this dangerous and unsafe condition.

14. As a direct and proximate result of the negligence of the Defendants, the Plaintiff, Mary Ann Trzaska, has sustained medical care and treatment, with said medical care and treatment expected to continue in the future.

15. Plaintiff, Mary Ann Trzaska, has been caused to suffer pain of body and mind, and impairment of her normal, social and recreational pursuits and pursuits of happiness, which pain and impairment is expected to continue in the foreseeable future.

16. As a further direct and proximate result of the negligence of the Defendants, Ms. Trzaska was unable to work for some time, resulting in lost wages.

COUNT II

17. Plaintiffs incorporate by reference all the above paragraphs 1 through 16 as if fully rewritten herein and further state;

18. At the date and time of the injuries Mrs. Trzaska suffered from the fall in the unsafe premises owned and/ or operated and where the Defendant Pepsi Beverage Company employee was working, Plaintiff James Trzaska was the lawful, and remains the lawful spouse of Plaintiff Mary Ann Trzaska.

19. That as a direct and proximate result of the wrongful and negligent acts of the Defendants, the Plaintiff, James Trzaska was caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affection, assistance from his lawful wife Mary Ann Trzaska, all to the detriment of their marital relationship.

20. That all the aforesaid injuries and damages were caused solely and proximately by the negligence of the Defendants.

VENUE

21. Plaintiff restates and realleges all of the statements and allegations set forth in paragraphs 1 through 20 as if fully rewritten and further state the following:

22. Venue is proper in the City of Cleveland, County of Cuyahoga, and State of Ohio in accordance with Ohio Civil Rule 3(B).

WHEREFORE, Plaintiffs, **Mary Ann Trzaska and James Trzaska**, pray for judgment against the Defendants, **Dollar General Corporation, Dollar General Store and Pepsi Beverage Company**, jointly and severally, in an amount greater than **Twenty-Five Thousand Dollars and 00/100 Cents (\$25,000.00)**, including compensatory and punitive damages, together with interest, costs and any other such legal and/or equitable relief as the Court deems just and proper.

A Trial by Jury is hereby demanded.

Respectfully submitted,

VICTOR A. MEZACAPA, III
LICATA LAW GROUP

/s/ Victor A. Mezacapa III

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